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4 UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

5 UNITED STATES OF AMERICA,

6 Plaintiff,

7 -vs-

8 THOMAS STINCO MARKS,

9 Defendant.

NO. CR-02-0138-WFN-1

ORDER GRANTING MOTION TO  
MODIFY CONDITIONS OF  
[PROBATION]

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11 Before the Court for hearing without oral argument is Defendant's Motion to Modify  
12 Conditions of Supervised Release, filed 5/4/07 (Ct. Rec. 191). The Motion requests that the  
13 Court modify Mr. Marks' supervision requirements by striking the condition of electronic  
14 monitoring during home detention. Since he is allowed to travel out of district for work  
15 purposes Mr. Marks anticipates that electronic monitoring "may cause delays or problems  
16 should he need to be out of district on a moments notice."

17 The Government objects to the Motion. Response filed 5/8/07, Ct. Rec. 194. The  
18 Government correctly notes that while Mr. Marks' Motion is directed at conditions of  
19 supervised release, in fact electronic monitoring during home detention is a condition of  
20 probation, not supervised release. The Government argues that the Court may lack  
21 jurisdiction to consider Mr. Marks' Motion; that Mr. Marks received a flexible and fairly  
22 lenient sentence; and that traditional home detention with electronic monitoring is  
23 appropriate.

24 United States Probation Officer Matthew Thompson advised the Court's staff on  
25 May 14, 2007, that he had no objection to the removal of electronic monitoring from Mr.  
26 Mark's probation conditions.

ORDER GRANTING MOTION TO MODIFY  
CONDITIONS OF [PROBATION] - 1

1 The Court has reviewed the file and the Motion and is fully informed. Accordingly,  
2 **IT IS ORDERED** that:

3 1. Defendant's Motion to Modify Conditions of [Probation], filed May 4, 2007,  
4 **Ct. Rec. 191**, is **GRANTED**.

5 2. Mr. Marks' conditions of probation are modified as follows: **the condition of**  
6 **electronic monitoring during home detention is STRICKEN**. Mr. Marks is required to  
7 satisfy all of the other conditions of probation including his term of home detention.

8 The District Court Executive is directed to file this Order and provide copies to counsel  
9 **AND TO** United States Probation Office.

10 **DATED** this 14th day of May, 2007.

11  
12 s/ Wm. Fremming Nielsen  
13 05-14 WM. FREMMING NIELSEN  
14 SENIOR UNITED STATES DISTRICT JUDGE  
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